



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

BOOK REVIEWS.

STRUGGLE OF PROTESTANT DISSENTERS FOR RELIGIOUS TOLERATION IN VIRGINIA.—By Henry R. McIlwaine, Ph. D., Professor of English and History, Hampden Sidney College, Va. Johns Hopkins Studies, Twelfth Series. Johns Hopkins Press, Baltimore, April, 1894. Price, 50 cents.

One of the most interesting and valuable contributions which has recently been made to the study of Virginia history is Prof. McIlwaine's monograph "Struggle of Protestant Dissenters for Religious Toleration in Virginia." He has gathered together a great mass of important information on the subject, and has set it forth in a very clear and attractive form. We propose to give a comparatively full summary of the contents of the monograph, as the best means of showing our high appreciation of the unusual merit of the work, and of enabling our readers to obtain the most accurate idea of its scope.

Dr. McIlwaine declares in his introduction that the history of Protestant Dissenters in Virginia may be divided into three periods:

"I. The first period extends from the early years of the settlement of the colony to the year 1649. This is the period of the establishment of the Church of England as the Church of Virginia; of the conflict that arose between the Church of England party and the Puritan party in Virginia, answering to the struggle between King Charles and his Parliament in England; and of the consequent withdrawal of many of the Puritans from Virginia into Maryland. The Church of England was for a time triumphant."

The Puritans in Virginia and Maryland have been made the subject of special study by Dr. Daniel R. Randale. His monograph, "A Puritan Colony in Maryland," is published in the Johns Hopkins University Studies in Historical and Political Science for 1886.

"II. The second period, beginning with the year 1649, extends to the close of the French and Indian war. It embraces the rise of the Quakers, and later of the Presbyterians; and the efforts made by the Dissenters looking toward their rights of toleration on the part of the government."

"III. After the close of the French and Indian war came the struggle of the Separate Baptists, the Revolutionary War, and the final triumph of the Dissenters over the Established Church in the 'Act for the Establishment of Religious Freedom' of 1786. This period may be called the Period of Struggle for Religious Freedom."

Dr. McIlwaine's monograph is confined to a treatment of the second of the three periods described—the Period of Struggle for Religious Toleration. It is divided into four chapters: I. "The Established

Church of Virginia"; II. "The Quakers"; III. "The Huguenots and the Germans"; IV. The Presbyterians."

The object of the first chapter is to give an exact view of the Church in Virginia, to show clearly what was the real nature of the establishment with which Dissenters come into conflict; for though the Church of Virginia was in theory simply a part of the Church of England, it was, in fact, far different from that church. The enactments of the General Assembly of Colonial Virginia in reference to church affairs are to be found scattered throughout the earlier volumes of Hening's "Statutes at Large." But these do not tell the whole story. Laws might be passed, but then followed questions of interpretation and original jurisdiction that kept the Church in turmoil for years. And, in addition to laws passed by the General Assembly, there were instructions from the King to the Royal Governors to be taken account of, and instructions from the Bishop of London to his commissary. All these added to the confusion.

In a general way, Virginia, as well as the other colonies, was embraced in the diocese of the Bishop of London. This dignitary, however, did not have the power to induct into livings. The very patent which made him bishop of the colonies had left the right of induction with the governors. Thus the commissary who represented the Bishop of London in Virginia found himself shorn of most of the power usually attaching to such an officer. Nor, on the other hand, would the people, who had been getting along for some time without a commissary—the office had not been created till 1689—submit to his visitations. They were evidently afraid that visitations would lead to other forms of ecclesiastical interference. For these reasons the commissaryship sank in a few years into comparative insignificance.

According to the theory of the governors, they as representatives of the King were patrons of all livings in the colony. This meant that they could present to the livings. Added to their conceded right of induction, this right of presentation would have enabled the governors to impose upon the people any ministers whatever. But just here an important difference of view developed itself. The people claimed that they themselves were the patrons of the livings, and that the rights of patronage were to be exercised through their representatives, the vestries. This claim was distinctly an American one. In England one man might be the patron of a living, or two or three might be conjoint patrons, but the idea that the people of a whole parish might be its patrons was new. The law which the people claimed as recognizing the justice of their contention was passed as early as the year 1643, but it is probable that the full significance of the law was not at first appreciated. At least, it was not generally acted upon for many years. It is of such importance in the ecclesiastical history of Virginia that it is here given in full. It is as follows:

"That for the preservation of purity and unity of doctrine and discipline in the Church, and the right administration of the sacraments, no minister be admitted to officiate in this country but such as shall produce to the governor a testimonial that he hath received his ordination from some bishop in England, and shall then subscribe to be conformable to the orders and constitution of the Church of England, and the laws there established; upon which the governor is hereby requested to induct the said minister into any parish that shall make presentation of him; and if any other person, pretending himself a minister, shall, contrary to this act, presume to teach publicly or privately, the governor and council are hereby desired and empowered to suspend and silence the person so offending; and upon his obstinate persistence, to compel him to depart the country with the first convenience."

This law was passed in order to silence the Puritan ministers who at that time were preaching in Nansemond county. But the clause, "upon which the governor is hereby requested to induct the said minister into any parish that shall make presentation of him," formed the legal basis of the popular claims as to the residence of power in the Church.

In the conflict that arose between the governors and the vestries the latter came off victorious. The vestries were made up of the leading men in the community, men who were at the same time members, probably, of the House of Burgesses. Upon their votes depended the supplies of the government, and upon their good will depended, to a large extent, even the stay of the governors in office. Therefore, they were not to be lightly offended. For this reason even Spotswood, a strong, resolute man, although he vehemently claimed all the rights set forth above, never dared to exercise them. The vestries remained masters of the situation, and in order to remain complete masters, they seldom presented ministers for induction but made arrangements with them year by year.

It will be seen from the foregoing that in church government the Church of Virginia was not strictly Anglican. Nor was it strictly Anglican in church services. Upon this point there is the testimony of the Rev. Hugh Jones, who, in his "Present State of Virginia," published in 1724, makes the following observations: "In several respects the clergy are obliged to omit or alter some minute parts of the liturgy, and deviate from the strict discipline and ceremonies of the church, to avoid giving offense, through custom, or else to prevent absurdities and inconsistencies. Thus surplices, denied them for a long time in most churches, by bad example, carelessness and indulgence, are now beginning to be brought in fashion, not without difficulty; and in some parishes where the people have been used to receive the communion in their seats (a custom introduced for opportunity for such as are inclined to Presbytery to receive the sacrament sitting), it is not an easy matter to bring them to the Lord's table decently upon their knees."

The reason for the existence of such irregularities becomes plain when an examination is made of the different elements that composed Virginia's population. In the first place, it should be remembered that before the year 1662, when the Act of Uniformity was passed by the "Cavalier" Parliament of Charles II, the struggle between the Puritan party (taking Puritan in a broad sense) and the Episcopal party went on largely within the English Church itself. Thus many of the first settlers of Virginia, though nominally churchmen, may have been more or less tinged with Puritanism. In the second place, the Virginia Company of London, composed, to a large extent, of broad-minded men like Sir Edwin Sandys and other leaders of the rising popular party in England, can hardly be believed to have required of applicants for patents a strict conformity to the Church at a time when heaven and earth were moving to find colonists. It is known, in fact, that many extreme Puritans (Independents) found their way into the colony. These settled for the most part in Nansemond county and adjacent counties in the southeastern section. In 1641, encouraged by the state of affairs in England, these Puritans sent to New England for ministers. The ministers who answered the call were met by the law of 1643, given above, but the congregations remained for some time longer in Virginia. In 1649, however, many members of the sect left Virginia for Maryland, where they had obtained substantial privileges. But many of them remained in their old homes. In addition to these elements, there were the Scotch, who were always numerous in Virginia; and from the earliest times there are traces of Germans, Poles, French and Dutch, while in the latter part of the Seventeenth century many Huguenots and Walloons came over to the colony.

Thus it is shown that the Church of Virginia, made up as it was of practically independent units in which there existed many irregularities of worship, was well calculated to exhibit different degrees of severity toward the Dissenters who came into contact with it.

Chapter II. "The Quakers."—This chapter brings out the fact that though the laws passed against Quakers (who began to make their appearance in the colony about the year 1656) were severe in the extreme, the number of cases of actual persecution of members of this sect was surprisingly small. In a few years, indeed, the extreme provisions of the laws became dead letters, while it seems to have been only here and there throughout the colony that fines for absence from church were collected. The natural inclination toward severity of governors like Sir William Berkeley seems to have been restrained by their instructions from the Crown, these instructions invariably enjoining a toleration that would attract to the colony persons of "different persuasions in matters of religion." On the other hand, the people at large, as they became acquainted with the real tenets of the Quakers, gradually lost the feeling of antagonism toward them which was at first very

general. But it was in only one part of the colony that the Quakers became numerous. This was the southeastern section, the old stronghold of the Puritans. It seems that when the Royalist party returned to power in Virginia, after the days of the Provisional Government, a large number of Puritans still continued to live in Nasemond county and the vicinity. They, we may well believe, were not by any means in an amicable frame of mind toward the Royalist government, and would not hesitate to obstruct its measures. Thus the Quakers were befriended, and, indeed, many of the leading men of the section embraced Quaker principles.

It is shown further on in this chapter that the first Presbyterian congregation in Virginia was situated in this same southeastern section. Though this congregation was probably composed of emigrants from the North of Ireland, it is not unlikely that the character of the population of the northeastern section determined the location of the emigrants.

In 1692 the Rev. Josiah Mackin, having fulfilled all the requirements of the English Toleration Act of 1689, was formally given permission to preach to this congregation by the county court of Norfolk county. He is probably the first Dissenter who thus qualified himself to preach in Virginia. The Toleration Act itself was not regularly incorporated into the laws of Virginia till the year 1698, and the first Dissenting minister after this to obtain permission to preach was the Rev. Francis Makemie, who got his license in 1699 from the county court of Accomac.

But the passage of the Toleration Act in England and the recognition of it on this side the Atlantic did not have an immediate and direct effect in increasing the number of Dissenters in Virginia. Their later increase was due rather to the policy of the authorities of Virginia in reference to strengthening the frontiers. It is in this connection that the Huguenot settlement at Manakin Town and that of the Germans at Germanna became important, and the bearing of these settlements upon the general question of toleration is given in Chapter III, of the monograph. It is shown by quotations from contemporary documents that the main reason for establishing the Huguenots at Manakin Town (above the falls of James river) and the Germans at Germanna (on the Rappahannock, above where Fredericksburg now stands) was in each case that the frontier might thus be furnished with a guard against the Indians. An examination of the church at Manakin Town reveals the fact that it was simply a part of the regular Established Church of Virginia; and the same statement may be made, but with somewhat less confidence, in regard to the church at Germanna. Both the French and the Germans, however, became conformed to the establishment of Virginia voluntarily. When the government of Virginia settled them upon the frontiers, they were Dissenters; and in adopting this policy the government established precedents that were in time followed in the case of other Dissenters.

Chapter IV. "The Presbyterians" is much the longest chapter of the monograph. It opens with an account of the settlement of the Valley of Virginia, and of the frontier territory of the colony to the east of the Blue Ridge. This section was peopled mainly by Scotch-Irish and Germans from Pennsylvania. The government, seeing in them a substantial bulwark against the savages, welcomed them all. For the especially numerous Scotch-Irish Presbyterians, the Synod of Philadelphia took care in 1738 to obtain from Governor Gooch assurances of protection in their right of toleration. These promises were always well kept. The Presbyterians of the "back posts" of Virginia had no cause to complain of the governor. But very shortly matters became more complicated. The great revival movement that spread over America about the year 1740 had the effect of splitting the Presbyterian Church into two divisions, and of carrying Presbyterianism into Hanover county and other counties, the inhabitants of which were originally Churchmen. Not only was Presbyterianism carried into these counties, but also harsh criticisms of the Establishment. Governor Gooch, himself a Scotchman, thoroughly understood the theories of church government and order which at that time prevailed in his native land. He recollected, also, his promises to the Presbyterians. But here were men come without license of any kind to deliver inflammatory harangues in unlicensed houses. They were, then, in his eyes, itinerants and schismatics whom it was his duty to suppress. Before this time some of those who neglected the regular Church services for these revival meetings, had been fined according to law. But now the fight against Dissent began in earnest. At the April term of the General Court, 1745, the governor delivered an earnest charge to the grand jury in reference to the matter. He was determined to carry out the law against the "New Lights" as they were called, a resolve in which he was strengthened by an address that he received from the old side Synod of Philadelphia, which was not slow in disclaiming responsibility for the conduct that had incensed the governor. But the fight was not by any means one-sided. The Presbyterians kept steadily increasing in numbers and influence, and of the several test cases that were tried in the General Court only two were won by the king's attorney. The reason for this small number of convictions seems to be that the petit juries and the people at large uniformly sympathized with the Dissenters. In the two cases which went against the defendants the juries were called upon to decide simply the most evident matters of fact—whether or not people met at certain times in certain houses. This having been determined, the court decided that the meetings were unlawful, and fixed the penalty. The cases were not finally disposed of till April, 1748. After this there were no more prosecutions in the General Court. This court, made up of the governor and his council, now thought it best to prevent the further spread of Dissent by strictly

limiting the number of places at which a minister should be allowed to preach. The court reasoned that damage done could not be cured, but that, by putting its own construction upon the Toleration Act as a law of Virginia, it could confine Dissent within the region to which it had already unhappily spread. In England, according to the letter of the Toleration Act, Dissenting ministers were licensed to preach by the county courts; and it will be recalled that Mackie & Makemie had been licensed by county courts in Virginia. But the General Court now claimed entire jurisdiction in such cases. Their reasoning seems to have been that in practice in Virginia; the Toleration Act must be brought into agreement with laws of the colony already existing, and that the law of 1643 made the governor of the colony judge of the qualifications of ministers.

The Dissenters, on their part, claimed that the law should be executed in Virginia just as it was executed in England, where not only did the licensing of ministers lie with local courts, but any licensed minister was permitted to preach at any registered place of meeting whatever. The answer to this was that the latter practice had grown up in England under the Toleration Act as enlarged by the act of the 10th of Queen Anne, which act had not been incorporated into the laws of Virginia. The Toleration Act itself gave Dissenting ministers permission to preach only in certain designated places.

Both parties soon applied for advice to England; the Church party to the Bishop of London and the Lords Commissioners of Trade, and the Presbyterians to leading Dissenting Divines in that country. It is noticeable that the advice which came from the Lords Commissioners of Trade was entirely favorable to a large measure of toleration, the ground being that "a free exercise of religion is so valuable a branch of true liberty, and so essential to the enriching and improving of a trading nation." This sensible advice came in the latter part of 1750 or early in 1751, but it did not have the effect of changing the policy of the General Court. About this time, however, the Church party evidently came to the conclusion that the Dissenters had the law on their side, if a reasonable construction were put upon it; for a bill whose object was to put "due restraint" upon the Dissenters was, in 1752, introduced in the Assembly. The internal dissension of the Church party, however, growing out of a dispute between the vestry of the parish of Lunenburg, in Richmond county, and their minister, Mr. Kay, and out of the candidacy of the Rev. Messrs. Smith and Dawson for the position of commissary in 1752, did not allow this bill to pass. If it had passed in Virginia, it would probably have been overruled in England.

In November, 1753, the Rev. Samuel Davies, the leader of the Presbyterians in Virginia, went to England in the interests of the College of New Jersey. While there he agreed with leading Dissenters upon a

plan which would eventually bring the cause of the Virginia Presbyterians before the King in Council. Fortunately, however, it did not become necessary to put this plan into execution. On Mr. Davies' return to Virginia in 1755, he found the condition of affairs altogether changed. The French and Indian War had begun in 1754, and in the common fear of the savages, and the common dread of the Roman Catholicism which French victory threatened, Dissenters and Churchmen were drawn closer together. At such a time as this the spirit in which the law in reference to Dissenters was administered, was bound to become more liberal. The monograph, then, comes to the following conclusion: "The statement, then, seems warranted that during the French and Indian War, one phase of the struggle between the Dissenters and the Established Church came to an end. After this, indeed, the General Court still insisted upon keeping the matter of licensing ministers and meeting-houses under its own supervision, but the spirit in which the law was executed was changed. Applicants for licenses could now go to the General Court with reasonable assurance that their requests would be granted."

MEMOIRS OF WILLIAM NELSON PENDLETON, Rector of Latimer Parish, Lexington, Va., Brigadier General and Chief of Artillery, Army of Northern Virginia. By his daughter, Susan P. Lee. Published by J. B. Lippincott, & Co., Philadelphia, 1893.

Contemporaneous evidence is the best evidence, and the testimony of those having the fullest opportunity of knowing the questions in issue is the best testimony; provided, it be characterized by clearness of vision and impartiality of judgment.

The life of this soldier-priest was no ordinary one. From his father and mother he inherited, along with his name and gentle blood, those characteristics which had made their names potent in the history of Virginia. The traits which found expression in his handsome person were integrity of character, clearness of mind, and sweetness of disposition.

Reared on a Virginia plantation in "the olden days," he had the benefit of, and enjoyed to the full, that sweet life which has been so satisfactorily described by his daughter. Though to many readers the most interesting part of this book may be the war period, there will be found in it much that will entertain and instruct the student of that ante-bellum life in Virginia, all so different from the life of the present day.

After the experience of many another country boy in Virginia, young Pendleton received the appointment to West Point, where he graduated with distinction, and made the acquaintance of those men whose names have since been as household words in the annals of the country. Upon some of these men such an impression was made by him as remained ever afterwards, and enabled them to rely upon him in time of their country's need.